

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM G. WIZINSKY and
ANN M. WIZINSKY,

Plaintiff,

Case No. 1:21-CV-496

v.

HON. JANET T. NEFF
MAG. JUDGE SALLY J. BERENS

LEELANAU TOWNSHIP, THE SHORES
HOMEOWNERS ASSOCIATION, T. SETH
KOCHES, KARRIE A. ZEITS; BAUCKHAM,
SPARKS, THALL, SEEBER & KAUFMAN, PC;
SONDEE, RACINE & DOREN, PLC; LEELANAU
COUNTY, CHET JANIK, PAUL HUNTER,
STEVE PATMORE and UNKNOWN FINANCERS
OF LITIGATION,

Defendants.

**BRIEF IN SUPPORT OF DEFENDANTS KOCHES AND BAUCKHAM, SPARKS'S REQUEST
TO EXTEND TIME TO FILE RESPONSE TO COMPLAINT**

STATEMENT OF FACTS

The Defendants have been served with a 130 page, 974 paragraph, 17 count Complaint. In addition to being named as defendants, Bauckham, Sparks has also been served by the Plaintiff as "Unknown Defendant #4." The Plaintiff previously filed a 101 page, 743 paragraph, 15 count Complaint in this Court on October 15, 2019 based on the same factual predicate. (Case No. 1:19-cv-00894-JTN, ECF No. 1). This Court issued a Report and Recommendation dated August 20, 2020 recommending the federal claims asserted in the Plaintiff's Complaint be dismissed with prejudice and recommending non-monetary Rule 11 sanctions be granted in favor of the Defendants. (ECF No. 75, Page ID 4153). Judge Neff overruled the Plaintiff's objections and adopted the Report and Recommendation in an

Opinion and Order dated September 30, 2020 (ECF No. 82) and dismissed the Complaint. Judge Neff's Opinion and Order concludes by stating:

"IT IS FURTHER ORDERED that Plaintiff is placed on notice that future duplicative or repetitive filings, including post-judgment motions, may result in Plaintiff being placed on restricted filer status in order to mitigate the continuing burden on this Court's limited resources, and may also result in the imposition of monetary sanctions against Plaintiff." (ECF No. 82, Page ID 4974).

The Defendants will respond to the newly filed Complaint with a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). The Defendants will also seek Rule 11 against Plaintiffs for filing a Complaint based on the same factual predicate that formed the basis of the 2019 lawsuit that this Court dismissed.

In order to fully address the claims the Plaintiffs have asserted in their voluminous Complaint, and in order to have sufficient time to invoke the safe harbor provision of Rule 11, the Defendants request the Court grant a 31 day extension of time for Defendants to file a response to the Complaint.

ARGUMENT

GOOD CAUSE EXISTS FOR EXTENDING THE TIME FOR DEFENDANTS TO RESPOND TO THE COMPLAINT.

Fed. R. Civ. P. 6 (b)(1)(A) states that a Court may extend the time for a party to take action for good cause. A request for an extension of time made before expiration of the original deadline "may be 'with or without motion or notice.'" *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 896 (1990).

Defendants submit that both the need for additional time to invoke the safe harbor provision of Rule 11 and the amount of time that will be required to draft a Rule 12(b)(6) motion in response to a 130 page, 974 paragraph, 17 count Complaint, constitute good cause for granting an extension of time.

The Defendants also request expedited consideration of this request, as the deadline to respond is currently July 6, 2021.

RELIEF REQUESTED

The Defendants, Seth Koches and Bauckham, Sparks respectfully request the Court grant their request for expedited consideration and further grant their request to extend the time to respond to the Complaint by 31 days, until August 6, 2021.

Respectfully submitted,

DATED: June 29, 2021

PLUNKETT COONEY

BY: /s/Michael S. Bogren
Michael S. Bogren (P34835)
Attorney for Defendants
BAUCKHAM, SPARKS, THALL, SEEBER
& KAUFMAN, P.C., and T. SETH KOCHES

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